

FILED

APR 15 2011

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

At SEYMOUR, IN Clerk M
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

SHIRLEY MEEKS,

Plaintiff,

vs.

PORTFOLIO RECOVERY ASSOCIATES,
LLC,

Defendant.

Civil Case No.

12 11 CV 139

COMPLAINT

COMES NOW the Plaintiff, SHIRLEY MEEKS ("Plaintiff"), by and through her attorneys, KROHN & MOSS, LTD., and for Plaintiff's Complaint against Defendant, PORTFOLIO RECOVERY ASSOCIATES, LLC, alleges and affirmatively states as follows:

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Because Defendant conducts business in the state of Indiana, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person who resides in the Valparaiso, Porter County, Indiana,

and is obligated or allegedly obligated to pay a debt and is a "consumer" as that term is defined by 15 U.S.C. 1692a(3).

6. Plaintiff is informed and believes, and thereon alleges, that Defendant is a limited liability company with a business office in the Norfolk, Virginia.

7. Plaintiff is informed and believes, and thereon alleges, that Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

8. For the past year, Defendant has constantly and continuously placed collection calls to Plaintiff seeking and demanding payment for an alleged debt.

9. Defendant has called on an almost daily basis, multiple times per day, for a period of years.

10. Defendant generally called three (3) to four (4) times per day.

11. Defendant called up to six (6) times in a single day.

12. Defendant called from its phone number (702) 410-7069, (800) 383-8013, and (510) 355-1780 to Plaintiff's home phone number (219) 462-2737 and his cell phone number (219) 405-3999.

COUNT I **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT,** **(FDCPA), 15 U.S.C. § 1692 et seq.**

13. Plaintiff repeats, reallages and incorporates by reference all of the foregoing paragraphs.

14. Defendant violated the FDCPA. Defendant's violations include, but are not

limited to the following:

- a) Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff; and
- b) Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring or engaging Plaintiff in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass Plaintiff at the called number.

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- 15. Statutory damages of \$1,000.00 pursuant to the Federal Act, 15 U.S.C. 1692k;
 - 16. Costs and reasonable attorney's fees pursuant to the Federal Act, 15 U.S.C. 1692k;
- and
- 17. Any other relief that this court deems to be just and proper.

RESPECTFULLY SUBMITTED,

DATED: _____

By: _____

Michael Agruss Esq.
Attorney for Plaintiff
Krohn & Moss, Ltd.
10474 Santa Monica Blvd., Suite 401
Los Angeles, CA 90025
magruss@consumerlawcenter.com
Phone: (323) 988-2400 x 235
Fax: (866) 799-3206

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, SHIRLEY MEEKS, hereby demands trial by jury in this action.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF INDIANA)

Plaintiff, SHIRLEY MEEKS, says as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, SHIRLEY MEEKS, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 3-17-2011

Shirley Meeks
SHIRLEY MEEKS,
Plaintiff